

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**ROBERTA KELLY,**

Plaintiff,

Civil No. 11-CV-1178-SI

v.

O R D E R

**GREGORY E. ABEL, et al.,**

Defendants.

SIMON, District Judge:

Plaintiff Roberta Kelly brings this action *pro se* against current and former public officials and other defendants too numerous to name, and who are shown on the caption as a "partial list" of defendants. The complaint contains a reference to the preamble of the United States Constitution and to Article 1, Section 9, clause 7, with an allegation that the "US-global-economic-financial-terrorism-warfare since on or about 1917" does not "promote the general Welfare." Compl. ¶ 1. The complaint alleges further that Article I, Section 9, clause 7 is "beyond

the idea of past due for an accounting according to the highest and strictest standards of forensics in international-global commerce and to the most honorable level of enlightenment in the U.S.

Constitution." *Id.* ¶ 2. The complaint further alleges:

Human Rights' such as but not limited to, NON-TOXICALLY POISONED air, water, dirt-soil, food, medicine, monies-exchanging commerce, information and the natural resources to live DO NOT disappear in a *super pirating* of our SOCIAL CONTRACT,

that a California real estate appraiser, through a website and a grass roots organization "has enabled activists on many seemingly unconnected issues to come together and fight UN Agenda 21/Sustainable Development," and that

[i]n or about 2003, the State of Washington [see *Martin, Kelly, et al. v. Cowlitz County*] and Governor Chris Gregorie [sic], Attorney General Rob McKenna et al., in wilful intention participated in what was named [Club of Rome] the Salmon Recovery, UN 21 in reviewing the Rosa Korie investigation(s). As well, *Georgia Guidestones* stand in statement of the global dark age agenda.

*Id.* at ¶¶ 3, 4. The last paragraph of the complaint alleges as follows:

Perhaps the Founding Fathers idea about religion is in need of also a completely and one hundred percent [100%] review and accounting, a reckoning of the infinite number of those who and whom are in high places of government that are also enjoying dual citizenship or above the U.S. Constitution in very high places as foreign crusade driven organizations.

- a. Taxation of religions that are profiteering in global businesses of spreading gospel so to speak, as can be easily and effortlessly accomplished in technology sophistication, and also Taxation of any/all global businesses which capitalize upon the criminal insanity of our human species,'
- b. SOCIAL CREDIT is clearly intended for only the lawful U.S. natural born, thus,
- c. human traffic trade must cease, desist and STOP immediately.

NOTICE, Court, [to the, but not limited for the, crusading religiosity *super-pirates' globalism's*] FULLY HONOR the U.S. Constitution's rule of law in due process.

*Id.* at ¶ 5.

The court has reviewed the complaint *sua sponte* and concludes that the court lacks subject matter jurisdiction over this case. In general, federal courts have original jurisdiction of: (1) civil actions arising under the Constitution, laws, or treaties of the United States (“federal question jurisdiction”); and (2) civil actions where the matter in controversy exceeds \$75,000 and is between citizens of different states, or citizens of a state and citizens of a foreign state (“diversity jurisdiction”). *See* 28 U.S.C. §§ 1331 and 1332. Federal courts are courts of limited jurisdiction, which means that unless a grant of jurisdiction over a particular case exists, the court is presumed to lack jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 376-78 (1994). If a court lacks jurisdiction, it is not in a position to act and its decisions cannot generally be enforced. *Toumajian v. Frailey*, 135 F.3d 648 (9<sup>th</sup> Cir. 1998). Subject matter jurisdiction is a threshold issue in the absence of which the court cannot proceed to hear other issues. *United States Catholic Conference v. Abortion Rights Mobilization, Inc.*, 487 U.S. 72, 79-80 (1988); *Blackburn v. United States*, 100 F.3d 1426 (9<sup>th</sup> Cir. 1996).

Plaintiff has sued more than 150 defendants, many of whom are Oregon public officials and judges. The face of the complaint shows that Plaintiff resides in Portland, Oregon. Consequently, diversity jurisdiction does not exist. *See* 28 U.S.C. § 1332(c):

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 and is between citizens of different States.

Nor has Plaintiff asserted a federal question. Although the complaint refers to the preamble and Article I of the United States Constitution, none of the allegations suggests any basis for a claim based on the violation of any federally protected right. *See Rivet v. Regions Bank of Louisiana*,

522 U.S. 470, 475 (1998) (existence of federal question must be demonstrated on the face of the complaint).

This case also fails to meet the "case or controversy" requirement of Article III of the United States Constitution. The "triad of injury in fact, causation, and redressability constitute the core of Article III's case or controversy requirement, and the party invoking federal jurisdiction bears the burden of establishing its existence." *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 103 (1998). It is the third member of the triad, redressability, that is at issue here.

Redressability requires a substantial likelihood that the relief sought, if granted, will redress the "injury in fact" suffered by a plaintiff. *See, e.g., Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992). *See also Warth v. Seldin*, 422 U.S. 490, 508 (1975) (test for case or controversy is whether a plaintiff "personally would benefit in a tangible way from the court's intervention.") It is not enough that a favorable judgment will benefit the public at large, ensure that laws are faithfully enforced, or punish a wrongdoer, because none of these redresses a cognizable Article III injury. *Steel Co.*, 523 U.S. at 107.

Finally, the allegations of the complaint indicate that the ruling Plaintiff seeks from the court concerns matters of public policy. Such political questions are beyond the power of the federal courts to adjudicate. *See generally Baker v. Carr*, 369 U.S. 186, 217 (1962). The political question doctrine "serves to prevent the federal courts from intruding unduly on certain policy choices and value judgments that are constitutionally committed to" legislative and executive bodies. *Koohi v. United States*, 976 F.2d 1328, 1331 (9th Cir. 1992); *see also Japan Whaling Ass'n v. Am. Cetacean Soc'y*, 478 U.S. 221, 230 (1986).

Accordingly, this action is dismissed without prejudice for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 30th day of October, 2011.

\_\_\_\_/s/ Michael H. Simon  
MICHAEL H. SIMON  
United States District Judge